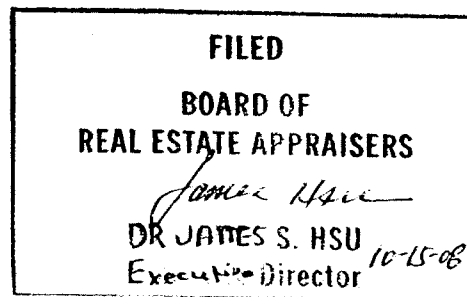


ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: Susan Carboni, DAG
(973) 648-2894



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

COPY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

ROBERT BARRY MCBRIAR :
License #RA002163 :

TO ENGAGE IN REAL ESTATE :
APPRAISING IN THE STATE :
OF NEW JERSEY :

CONSENT ORDER

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon receipt of information concerning two properties which had allegedly been purchased at inflated prices supported by appraisal reports by respondent. The Board's investigation led to a review of the following appraisal reports signed by respondent: 307 south 18th Street, Newark, dated October 15, 2006; a second appraisal of that property dated June 7, 2007; 379-381 21st Street, Irvington, dated May 15, 2006; 243 South Burnett, East Orange, dated May 15, 2006; 33 North Bridge Street, Paterson, dated January 15, 2006; 335-337 South

20th Street, Newark, dated February 15, 2006; and 144 South 10th Street, Newark, dated March 15, 2006. With respect to these reports, the Board now finds:

a) the certifications in respondent's appraisal reports are misleading in violation of the Conduct Section of the Ethics Rule of the Uniform Standards of Professional Appraisal Practice ("the USPAP"), in that it is respondent's practice to certify that he personally inspected the interior and the exterior of the subject property, even on those occasions when he has not inspected the properties. Moreover, respondent does not include in his recordkeeping any notation to indicate whether he personally inspected the properties that he appraises, and/or the source of photographs employed in the reports; and respondent has included interior photographs supplied to him by an individual with an interest in the transaction in at least one appraisal report, and relied on those photographs in making a determination as to the condition of the subject property, without disclosing this in his report.

b) respondent's appraisal reports were consistently misleading with respect to the occupancy status of the subject property in violation of the Conduct Section of the Ethics Rule of the USPAP. Respondent consistently checked off "owner" and/or "tenant" even where photographs in the appraisal report demonstrated that a property was vacant, or where the owner was a corporate entity.

c) respondent consistently lacked documentation in his workfiles with respect to the rental information employed in his reports, and appeared to derive the information entirely from figures supplied to him verbally by a party with an interest in the transaction, without verifying the information. On only one occasion was there even a notation, scrawled on the cover of a workfile, as to rental information in the workfile. Rental figures are supplied in the reports even for properties that are plainly vacant when the photographs of the interior of the subjects were taken. This constitutes a violation of the Recordkeeping Section of the Ethics Rule and of Standards Rule 1-1(a) of the USPAP.

d) respondent failed to indicate prior transfers of the subject within three years of the date of valuation with respect to the appraisals of 307 South 18th Street and 33 North Bridge Street, and failed to analyze prior sales of the subject, or analyzed prior sales of the subject in a misleading manner, in connection with the appraisals of 307 South 18th Street, 335-337 South 20th Street, 243 South Burnett, and 144 South 10th Street. The reports and workfiles lacked specific documentation of renovations indicated in the reports, including the dates of the purported renovations, and whether the purported renovations were performed before or after a prior sale of the subject. This constitutes a violation of Standards Rule 1-5 of the USPAP, as well as a

violation of the Recordkeeping Provision of the Ethics Rule of the USPAP.

The Board finds the above violations subject respondent to sanctions pursuant to N.J.S.A. 45:1-21(b), (e) and (h).

Respondent, without admissions, in the interests of resolving this matter without litigation and without admissions, and waiving any right to a hearing in this matter, and for other good cause shown,

IT IS ON THIS 15th DAY OF October, 2008,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall, voluntarily surrender his appraisal license effective October 31, 2008, with such surrender to be deemed a revocation. The license shall be delivered to Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, NJ 07102, within five days of the surrender date.

2. No application for reinstatement of license shall be entertained by the Board for a minimum of five years following the date of surrender.

3. A civil penalty in the amount of \$50,000 is hereby imposed upon respondent pursuant to N.J.S.A. 45:1-25. The entire amount of this penalty shall be stayed unless respondent applies for reinstatement of his appraiser license. In the event that respondent applies for reinstatement, the penalty shall be

activated and the Board shall not entertain respondent's application unless and until he furnishes complete payment of the \$50,000.00 penalty. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey.

4. Respondent shall pay costs of investigation in the amount of \$1,942.40.00. Respondent may elect payment terms. Payment shall be in the form of certified check, money order or attorney trust account check made payable to the State of New Jersey, and forwarded, along with this signed Order, to Dr. James S. Hsu at the address indicated in paragraph #1 above. In the event that respondent elects to pay in installments, a minimum payment of \$200.00 shall accompany this signed Order. Beginning on November 1, 2008, and continuing on the first day of every month thereafter, respondent is to forward a certified check, money order or attorney trust account check in the minimum amount of \$200.00, made payable to the State of New Jersey, until the total amount due pursuant to this Order is paid. If any individual payment is not received within 15 Days of the first day of the month on which it is due, the entire unpaid balance due and payable under this Order shall immediately become accelerated and be deemed due and payable without the need for notice and presentment, with interest calculated in accordance with R. 4:42-11 from the date of default. In addition to the relief provided for in this paragraph, this default shall also

entitle the Board to make application to a court of competent jurisdiction for an order directing compliance in aid of litigant's rights, including the imposition of attorneys fees for said application, or to make any other application as provided by law.

5. Upon any application for reinstatement of license, respondent shall appear before the Board or a committee thereof, if requested, at which time the burden shall be on respondent to demonstrate fitness and competency to practice real estate appraising. Any reinstatement shall be upon the conditions and requirements deemed necessary by the Board in its discretion to protect the welfare and safety of the public.

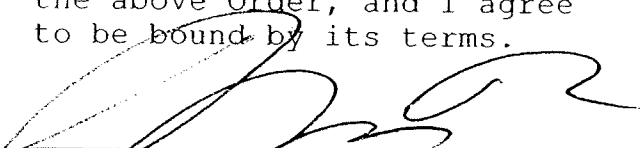
NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

Cheryle A. Randolph-Sharpe

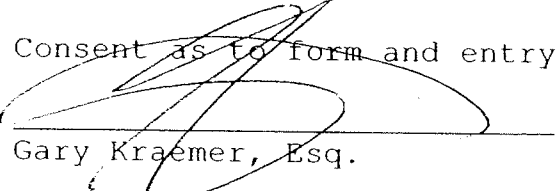
By:

Cheryle Randolph-Sharpe
Board President

I have read and understood
the above Order, and I agree
to be bound by its terms.


Robert B. McBriar

Consent as to form and entry:


Gary Kraemer, Esq.